

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ANGELA TORRES, )  
)  
Plaintiff, ) No. 3:17-cv-1270-AC  
)  
vs. ) February 2, 2018  
)  
ALIREZA ZAMANIZADEH, a/k/a ALI ) Portland, Oregon  
ZAMANI, an individual, and )  
ADULT CARE SEARCH, a foreign )  
non-profit corporation, )  
)  
Defendants. )

TRANSCRIPT OF PROCEEDINGS  
(Preliminary Injunction Hearing)

BEFORE THE HONORABLE MICHAEL H. SIMON  
UNITED STATES DISTRICT COURT JUDGE

Court Reporter: Ryan White, RMR, CRR, CSR/CCR  
United States District Courthouse  
1000 SW 3rd Avenue, Room 301  
Portland, Oregon 97204  
(503) 326-8184

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APPEARANCES

For the Plaintiff:

PDX LAW GROUP  
By: DAVID RICHARDSON  
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1 (February 2, 2018; 3:02 p.m.)

2  
3 P R O C E E D I N G S  
4

5 THE COURT: Good afternoon.

6 Please be seated. Relax.

7 THE CLERK: Your Honor, this is the time set for a  
8 preliminary injunction hearing in civil case 17-1270-AC, Torres  
9 versus Zamanizadeh, et al.

10 And can I have counsel and defendant in court please  
11 identify yourself for the record beginning with plaintiff.

12 MR. RICHARDSON: David Richardson on behalf of  
13 plaintiff, Your Honor.

14 THE COURT: Good afternoon, Mr. Richardson.

15 MR. ZAMANIZADEH: Ali Zamani, Your Honor.

16 THE COURT: And good afternoon, Mr. -- is it --

17 MR. ZAMANIZADEH: Zamani is fine, Your Honor.

18 THE COURT: Zamani?

19 MR. ZAMANIZADEH: Yes. Zamani is fine.

20 THE COURT: Thank you, sir.

21 MR. ZAMANIZADEH: Either/or. Whichever is more easier  
22 for you.

23 THE COURT: Thank you, sir. And welcome. Good  
24 afternoon.

25 I do understand that you did have -- the defendant did

1 have an attorney, that the attorney -- you are welcome to be  
2 seated, relax -- that the attorney filed a motion to withdraw  
3 and that Judge Acosta granted that motion.

4 I understand that that was fairly recent, so you may  
5 not have had very much time yet to locate a new attorney to  
6 represent you. And so I will -- whatever we do today, I will be  
7 certainly glad to reconsider if you have a new attorney coming  
8 to assist you.

9 But right now we are here because a few weeks ago, I  
10 believe it was on January 10th, I entered a temporary  
11 restraining order, and part of that order also included an order  
12 to show cause why I shouldn't issue a preliminary injunction.

13 I note that nothing formal has been -- nothing has  
14 been filed in opposition to a preliminary injunction. My guess  
15 is that's largely because of the transition from your attorney  
16 to now you being unrepresented.

17 And so if both sides want to tell me at all about  
18 where things stand in the current dispute, I'll be glad to  
19 listen to you, and then I've got some suggestions about how we  
20 proceed from here.

21 Mr. Richardson, since you represent the plaintiff, why  
22 don't you begin by telling me from your perspective or your  
23 client's perspective where things stand now, and then I'll hear  
24 from the defendant.

25 Keep in mind, both of you, it is not my role to assist

1 in a settlement here, so do not disclose to me any offers or  
2 counteroffers on settlement. I mainly want to know where are we  
3 in the litigation and in the request for preliminary injunction.

4 Mr. Richardson?

5 MR. RICHARDSON: Would you prefer me to stand,  
6 Your Honor, or remain seated?

7 THE COURT: Your preference.

8 MR. RICHARDSON: I'll remain seated. Thank you.

9 THE COURT: I'm going to remain seated. So you do  
10 what you want.

11 MR. RICHARDSON: Okay. Your Honor, there's been no  
12 progress since two weeks ago, and I honestly feel that it was a  
13 bait and switch tactic, and I felt like there were  
14 representations that were made that were not accurate.

15 I do have a supplemental declaration with exhibits,  
16 but I worry that there's going to be settlement in there. But  
17 we could go potentially back in chambers. But I do have a  
18 declaration prepared.

19 I'm not sure if it's relevant. I'm not sure that  
20 whether or not a settlement on good faith on either side was  
21 entered into matters regarding the standards of whether a  
22 preliminary injunction should be entered.

23 I mention it, though, just, for one, I think that  
24 Mr. Zamani will probably bring it up as well, but more  
25 importantly, I feel that there has been opportunity for a

1 response to be filed. It's true that Mr. Calderbank filed his  
2 motion to withdraw, but that was after our hearing in front of  
3 Your Honor, and they had two weeks prior to that to file a  
4 response.

5 And I feel -- my concern is it would be prejudice to  
6 my client that if we push this out a month or longer,  
7 that -- and new counsel is retained, that now they get a second  
8 bite at the apple, they have another opportunity to file a  
9 response.

10 So even -- I guess I would be okay extending the  
11 temporary restraining order if that's something you are going to  
12 recommend to us. But I would ask that the record be frozen  
13 where it is, and I think that would be fair.

14 THE COURT: Well, I will say this, that the suggestion  
15 I'm going to put to both of you, and I'll hear both views, and  
16 I'll turn to Mr. Zamanizadeh in a few moments, is that I don't  
17 think I can extend a temporary restraining order since under the  
18 rules it can only last for 28 days absent agreement of the  
19 parties. But what I can do is enter a preliminary injunction.  
20 I do think that there's enough information in the record to  
21 support a preliminary injunction.

22 But that said, I would want to give the defendant an  
23 opportunity to have relief from that if and when he gets an  
24 attorney or wants to, on his own, file a motion to have it  
25 dissolved.

1           So my tentative thinking, but I'd like to hear from  
2 both of you, is to enter a preliminary injunction on the same  
3 terms as the temporary restraining order, however, it would then  
4 be without prejudice to the defendant and he would have leave to  
5 move to lift the preliminary injunction order either if he gets  
6 an attorney and wants to file that motion, or if he decides to  
7 represent himself and chooses to file a motion to lift or amend  
8 or dissolve the preliminary injunction. I will let him do that  
9 and I'll listen to it on the merits.

10           At the same time, I will also listen to you,  
11 Mr. Richardson, as to whether there's any undue or unfair  
12 prejudice to your client.

13           Now is not the time for me to decide to freeze the  
14 record or anything like that. But if there's some argument and  
15 some evidence that comes in later to try to dissolve the  
16 preliminary injunction, you can let me know if there's any undue  
17 or unfair prejudice to your client and I'll consider that.

18           But I think that there's not likely to be prejudice if  
19 today I enter a preliminary injunction because, even if it was  
20 opposed right now, I would enter a preliminary injunction -- if  
21 I entered a preliminary injunction and then something happened  
22 in the future where the defendant, either himself or through an  
23 attorney, asks me to dissolve it or to modify it, I'd listen,  
24 and then we would deal with that on the merits.

25           So I'll ask you first, Mr. Richardson, on behalf of

1 plaintiff, any objection to that approach?

2 MR. RICHARDSON: No objection, Your Honor. That  
3 sounds like a reasonable compromise.

4 THE COURT: Okay. Mr. Zaman- --

5 MR. ZAMANIZADEH: Your Honor, just Zamani is fine.  
6 Zamani is fine.

7 THE COURT: Zamani. Mr. Zamani. Excuse me.

8 So first of all, if you have any preliminary comments  
9 in response to what Mr. Richardson had to say, you're certainly  
10 welcome to say them and I'll listen to you.

11 But also I'd like to hear your view on my proposal  
12 that I enter a preliminary injunction right now on the same  
13 terms as my previous temporary restraining order, and that will  
14 be without prejudice, you will have full leave either if you,  
15 representing yourself, want to file a motion to have me amend it  
16 or dissolve it or modify it in any way, or if you get an  
17 attorney and your attorney wants me to modify it or amend it or  
18 even dissolve it, and I will certainly listen to you, I will  
19 listen to both sides, and make appropriate rulings at that time.

20 So Mr. Zamani?

21 MR. ZAMANIZADEH: Your Honor, may I stand or --

22 THE COURT: Whatever you wish.

23 MR. ZAMANIZADEH: Your Honor, I appreciate the  
24 Court -- time of the Court. And if I may explain and give a  
25 little bit of short background on this before the preliminary



1 injunction is issued, I would very much appreciate that.

2           Your Honor, the whole case of the complaint and the  
3 TRO is based on a rejected lover to the point that the plaintiff  
4 was forcefully and intended to have a relationship with me and I  
5 rejected it. She had done all the donation or issues of the  
6 complaint on her own, mailed to the company without my  
7 knowledge. She had continued the relationship while I was  
8 even -- travel several times to my country for transferring my  
9 assets from there to here.

10           As being a US citizen and dual citizenship with Iran,  
11 the Iranian government last year, actually in 2016, issued an  
12 order that Iranians that hold two citizenships, specifically for  
13 United States, that they have two options; one, they have to  
14 relinquish one of the citizenships; the other, they have  
15 approximately about 24 months to transfer all their assets or  
16 the government will take over.

17           Because of this matter was based on the relationship,  
18 as I said, with the plaintiff, she offered power of attorneys to  
19 me, offered her assets in order to obtain a loan based on when I  
20 was traveling to Iran, when I was in Iran, she was going to have  
21 divorce. She had contacted me, stated that she wanted to make a  
22 donation to my company and hide her assets for her divorce. I  
23 had rejected it because it was against the law and against the  
24 Court's rule.

25           However, I did indicate that if she does make a

1 donation, she then is able to obtain the tax-deductible credit  
2 that we can offer.

3 She had gone -- without my knowledge, without my  
4 presence, she had made the donation, mailed to my office,  
5 Your Honor, power of attorney, and then she -- when she was in  
6 Salina, California, she made additional donation to our company  
7 and there was no problem, there was no issue, there was no  
8 demand, Your Honor. I never received a demand letter from the  
9 attorney or the plaintiff for returning her assets. However, I  
10 offered if she returned the receipts to us, we can go ahead and  
11 proceed with what -- we can settle with each other.

12 Upon my -- when I was in Iran, Your Honor, I  
13 asked -- I asked my family, even -- the Iranian government are  
14 very, very dangerous. I'm sure you have heard in the news that  
15 people go from United States and get arrested there because of  
16 different reasons.

17 I had -- we have substantial properties, family  
18 properties, that my -- my own property in Iran that I have sold  
19 and ready to transfer. However, when I was in Iran, when I  
20 leave Iran, I asked the family and especially the plaintiff, do  
21 not e-mail me, do not ask me -- do not contact me for personal  
22 matter. You're 10,000 miles away. However -- what I'm doing in  
23 Iran or how am I feeling or how the government is treating me  
24 has no merit, do not talk to me, because they were constantly  
25 watching us, basically following us and listening to the phones

1 and so forth. She continued sending all her requests for me  
2 assisting her suggesting what she should do in her divorce while  
3 she had an attorney.

4 This caused the problem for me in Iran. The problem  
5 was that the government of Iran considered me as a spy of United  
6 States.

7 And I want to -- there is some information that I'm  
8 going to give to this Court, Your Honor. I would like to have  
9 those things sealed. These are --

10 THE COURT: I'd rather not have any sealed information  
11 right now.

12 MR. ZAMANIZADEH: Okay.

13 THE COURT: So don't tell me anything that would need  
14 to be sealed.

15 MR. ZAMANIZADEH: All right. And so as a result of  
16 that, I was incarcerated. However, the Iranian government has  
17 this game that they play. They know how much asset you have,  
18 you are US citizen, you come over, and they either try to  
19 incarcerate you or try to find a reason to seize your asset and  
20 then they sell back to you this -- okay, pay us this amount and  
21 you can get your asset or you can leave the country.

22 However, I did -- they had frozen my assets and they  
23 had my passport. I had to put all the assets -- and they  
24 requested approximately \$680,000 bond for me to leave. I didn't  
25 have the money. And so they kept the property as a collateral,

1 gave me the passport, enough for me to leave the country, to get  
2 prepared and provide them with the money.

3 I came back over here, explained that to the  
4 plaintiff, that your communication obviously has caused me a lot  
5 of problem; however, it's not your responsibility, it's my  
6 responsibility. But I do need to come up with the money in  
7 order to go back to that country.

8 Within the time of the donation, original donation,  
9 Your Honor, which was in approximately beginning of the  
10 June 2016, through February, I had travelled approximately twice  
11 to Iran. Had I had any intention to harm the plaintiff, I  
12 didn't have to come back.

13 And when I came back over here, Your Honor -- and  
14 plaintiff herself, she did not even inform her own attorney that  
15 after my arrival on December 21st of 2016, she issued a second  
16 power of attorney to me because her divorce was final and that  
17 she had received properties that are free and clear, she's  
18 waiting for \$700,000 to be transferred to her retirement account  
19 and the money has not been transferred, and she offered me to  
20 use one of the properties to obtain loan in order to be able to  
21 take care of my problem, and then when my assets are unfrozen  
22 and transferred over here, to get paid back.

23 When I rejected her in the relationship, Your Honor,  
24 without any knowledge to me -- I told her that I was leaving on  
25 or about February to Iran to take care of the matter. She asked

1 me to delay my departure. When I delayed my departure, I  
2 immediately got served by a complaint. No demand letter was  
3 issued by an attorney.

4 And I came back. I have been waiting, going through  
5 this process. Meanwhile, immediately right after the complaint,  
6 plaintiff and her attorney, Mr. Richardson, contacted the  
7 Department of Justice stating that we have defrauded her for  
8 what receipts -- that our non-profit organization was not true  
9 and created complaint in the Department of Justice which caused  
10 a letter from the Department of Justice, inquiry to provide a  
11 specific amount of documentation that I have all that here.

12 In July 2017, Your Honor, with the meeting that I had  
13 with my attorney from Tonkon Torp, we provided every  
14 documentation to the Department of Justice.

15 Up to this day, Your Honor, no citation has been  
16 issued, no injunction has been issued, no violation has been  
17 issued. Basically nothing.

18 I then -- when I obtained a loan on the property based  
19 on the power of attorney that the plaintiff had provided me, it  
20 was a six-month interest only -- I paid all the payments.  
21 Despite of the fact of the TRO filing by the plaintiff that it  
22 states that no payment was paid and so forth, I have copies of  
23 the checks, Your Honor, here.

24 I informed my attorney to send a settlement offer and  
25 also informed the plaintiff that I am willing to pay back

1 everything, transfer all the assets that she had donated to the  
2 company and provided me as a loan to her upon my return and  
3 bringing in the assets.

4 She also provided me, Your Honor, on 2016 the  
5 information about her own personal bank account, and she offered  
6 me, said this is my personal bank account at Wells Fargo, this  
7 is my password, user name, and information, and if you need any  
8 money, go ahead and take it. I never touched anything.

9 All right. Then, we provided a settlement offer,  
10 immediately on January 8th. I was contacted by my attorney to  
11 meet -- to discuss the settlement and so forth. He stated to me  
12 that Mr. Richardson and the plaintiff have contacted the FBI  
13 against me for possibility of flight.

14 Your Honor, I've been in this country since 1976, for  
15 over 40 years. All my family which I have -- there is no other  
16 family back home. My father, my mother, my sister, and my  
17 brother, they are all US citizens here. I have elderly parents  
18 that are in their 90s with Alzheimer's and dementia. We take  
19 care of them. Me and my sister take care of them.

20 So providing the fictitious lies in order to obtain  
21 TRO is only for malicious behavior to tie my hands up.

22 The balance of the account that plaintiff and her  
23 attorney are demanding in the complaint in excess  
24 of -- including the property is in excess of, say, 560- or  
25 \$590,000 of which some of it are real estate. Nobody has

1 touched anything, nobody has sold anything, nobody has done  
2 anything. And having that to be said, connects back, getting a  
3 restraining order to tie my personal hand not to be able to pay  
4 my attorneys, not to be able to pay representation.

5 And right after the last hearing that we had in front  
6 of Your Honor, we asked the TRO hearing to be postponed to today  
7 for possible settlement. The settlement agreement and the  
8 settlement time was set the minute we left the court. We agreed  
9 that on next Wednesday we meet at Mr. Richardson's office in  
10 order to discuss that.

11 However, when on Tuesday I was asking for my attorney  
12 what time do we have to be there, he stated that Mr. Richardson  
13 has sent this totally unprofessional vulgar language about me  
14 that they don't want to meet and so forth and so forth and so  
15 forth.

16 Your Honor, I believe in the court we have two sides.  
17 We both have to have the ability to represent or get represented  
18 to provide the facts and let the judge to decide not by showing  
19 up in the court, not informing my attorney that he is intending  
20 to show up in the court and get a temporary restraining order  
21 and then create -- providing also some fictitious lies to obtain  
22 this temporary restraining order.

23 The total asset, Your Honor, that it is in the  
24 company's account, it's approximately about \$40,000.

25 THE COURT: Is that for all three accounts? Because

1 the accounts that I'm aware of, there's -- and I'll just use the  
2 last four numbers -- there's the 6923 account of the Adult Care  
3 Search, an Oregon nonprofit.

4 MR. ZAMANIZADEH: Correct.

5 THE COURT: There's the 2074 account, and then 3236  
6 account, and those are both for acareoption.com.

7 Now, \$40,000 for all three accounts?

8 MR. ZAMANIZADEH: Your Honor, the 2074, I believe  
9 that's it, that has been closed. Because when I was in Iran, I  
10 just tried to -- in 2016 to check the balance for the payment,  
11 and when I came back, the Bank of Chase closed it due to the  
12 violation of the --

13 THE COURT: Okay. Was there any money in it when it  
14 was closed?

15 MR. ZAMANIZADEH: No, there was no money in it.

16 And then the 69, I believe --

17 THE COURT: 6923.

18 MR. ZAMANIZADEH: 6923 is the Adult Care Search which  
19 is a nonprofit organization. I have the bank statement, Your  
20 Honor.

21 THE COURT: Just tell me --

22 MR. ZAMANIZADEH: \$29,000, and in the Care Option is  
23 approximately \$5,000.

24 THE COURT: Okay.

25 MR. ZAMANIZADEH: And so I had left those things for



1 the company's operation while I'm gone to do my business and  
2 come back and take care of the matter.

3           However, Mr. Richardson denied the meeting for the  
4 restraining order, demanding, okay, pay us all the \$590,000, do  
5 this, do this, in order for me to sit down -- you're a crook and  
6 you're a con artist.

7           And so right at the -- on Wednesday, that was where we  
8 were supposed to meet, and the meeting did not take place, my  
9 attorney calls me and says I'm going to withdraw. And we went  
10 in front of Judge Acosta. Judge Acosta allowed the withdrawal  
11 and sealed his declaration.

12           THE COURT: And I've not seen it.

13           MR. ZAMANIZADEH: Yes.

14           And I simply ask the judge -- Your Honor, this TRO is  
15 totally causing harm to me not to be able to provide or obtain  
16 attorney. Every attorney that I've met, Your Honor, in  
17 Portland, approximately about ten different law firms --

18           THE COURT: Although if there's only about, what,  
19 \$35,000 in there, how is that interfering with your ability to  
20 obtain an attorney?

21           MR. ZAMANIZADEH: Your Honor, I have no -- I have no  
22 funds.

23           THE COURT: Okay. Those are the only -- how are you  
24 living?

25           MR. ZAMANIZADEH: Well, I am basically using my own

1 company --

2 THE COURT: I don't understand. So if all you  
3 have -- see, all we're talking about, as far as I understand it,  
4 in the Chase bank accounts, we're talking about three things.  
5 The Chase bank accounts that you tell me have approximately  
6 \$35,000 -- Mr. Richardson, do you agree with that or do you have  
7 any information one way or the other?

8 MR. RICHARDSON: Just that he showed me the bank  
9 accounts outside weeks ago and said the rest of the money has  
10 been transferred to Iran which was -- the first thing -- sorry.  
11 I shouldn't go further.

12 THE COURT: I'm just -- I can't freeze that.

13 MR. RICHARDSON: Right. But that's what made me think  
14 that maybe we need to settle because I don't -- there's no money  
15 left.

16 THE COURT: Okay. Well, from the Chase bank accounts,  
17 right now I'm accepting Mr. Zamanizadeh's word that -- and it is  
18 documented --

19 MR. ZAMANIZADEH: Yes.

20 THE COURT: -- that there's about \$35,000 in there.

21 Then we also -- as part of my temporary restraining  
22 order, I've said he may not sell, transfer, pledge, encumber, or  
23 otherwise dispose of two pieces of real property, one on  
24 Chestnut Street in Washougal, Washington, and one on Telima Lane  
25 in Bend, Oregon.

1           Now, those, as I understand it, were Ms. Torres'  
2 properties; right?

3           MR. ZAMANIZADEH: Correct.

4           THE COURT: So you can't and probably shouldn't do  
5 anything with those properties anyway.

6           MR. ZAMANIZADEH: Don't intend to at all.

7           THE COURT: So --

8           MR. ZAMANIZADEH: I want -- yeah.

9           THE COURT: So it sounds like what the dispute is  
10 about is what should happen with those two pieces of real  
11 property and what should happen to Chase bank for right now.  
12 There may be a bigger dispute for trial.

13           But if you're telling me that my freezing of \$35,000  
14 in bank account assets is interfering with you obtaining a  
15 lawyer because that's all the money you have, that leads me to  
16 ask, then, how are you living?

17           MR. ZAMANIZADEH: Your Honor, I have initially  
18 established a company, Adult Care, in 2007 for the purpose of a  
19 similar triad that the State of Oregon has a problem in  
20 investigators for long-term care facilities and a lot of problem  
21 within the long-term care facilities. This was launched in 2007  
22 and it was all over the news and immediately we went all  
23 national.

24           And what has happened is, based on the attorney  
25 general information that I have provided Your Honor, I

1 personally have funded the company throughout today. And when  
2 the company has funding, yes, I -- based on preliminary  
3 agreement, based on loan agreement, based on every documentation  
4 that we have provided to the attorney general, yes, I did  
5 withdraw some funds in order to make the living, my loans that  
6 I've paid which I -- at zero interest.

7 And I'm just waiting to go back to transfer all my  
8 assets. I don't want to go to that country. I have no interest  
9 in that country except that every time I go in there, I'm  
10 thinking about I'm going to get either incarcerated or shot or  
11 be called a spy.

12 THE COURT: I understand.

13 MR. ZAMANIZADEH: And so this, I have no interest in  
14 the properties, Your Honor.

15 THE COURT: Okay.

16 MR. ZAMANIZADEH: I am willing to transfer and  
17 provided that in the settlement offer to Mr. Richardson and the  
18 plaintiff that I'm -- I have no problem of immediately  
19 relinquish and transfer those back to the plaintiff.

20 And the funds, I have no problem repaying those  
21 things. It takes time for me to transfer funds.

22 Without being able to do my job in order to show my  
23 good cause, I cannot be called --

24 THE COURT: I understand.

25 Let me ask Mr. Richardson the following question, and

1 I'm not really talking settlement so much as I'm trying to  
2 understand the preliminary injunction issue, whether I should  
3 issue that and on what terms.

4 Would it be acceptable to the plaintiff, just for  
5 preliminary injunction purposes, the case would then have to be  
6 set for trial? Because, as Mr. Zamani says, there's two sides  
7 to every story, now is not the time for the finder of fact,  
8 which may be a jury, to decide the actual causes of action that  
9 are alleged in this case.

10 But in terms of the preliminary injunction issue,  
11 would the plaintiffs be satisfied of me dissolving the  
12 preliminary injunction as soon as Mr. Zamani transfers back to  
13 the plaintiff title to the real property?

14 MR. RICHARDSON: Absolutely not, Your Honor, and I'll  
15 explain why.

16 For one, I think that the scope of the TRO goes  
17 further. It's not just -- I mean you specifically name those  
18 accounts need to be frozen.

19 THE COURT: Those are the ones that you asked for in  
20 the TRO?

21 MR. RICHARDSON: Correct. But we also asked for other  
22 things in the TRO as well, and those things are actually in the  
23 order, specifically that each defendant is restrained from  
24 spending, transferring, encumbering, or otherwise disposing of  
25 funds originating or transfer- --

1 THE COURT: Hold on. When you read that quickly --

2 MR. RICHARDSON: I'm sorry, Your Honor.

3 THE COURT: -- we're not going to have a clean record.  
4 So start again and tell me which paragraph in the order you're  
5 referring to.

6 MR. RICHARDSON: I apologize, Your Honor. I just --

7 THE COURT: It's okay.

8 MR. RICHARDSON: I was listening for a while and  
9 getting my --

10 THE COURT: Okay.

11 MR. RICHARDSON: -- dander up.

12 So I apologize. It's on page --

13 THE COURT: Dander down.

14 MR. RICHARDSON: Yeah. Page 14 of your order.

15 THE COURT: Right. Which paragraph?

16 MR. RICHARDSON: Paragraph 1.

17 THE COURT: Okay.

18 MR. RICHARDSON: And basically I think paragraph 1  
19 indicates that all of the defendants are restrained from  
20 spending, transferring, encumbering, or otherwise disposing of  
21 funds or assets originating from plaintiff or traceable to  
22 plaintiff.

23 And it goes on to include the real properties, but  
24 obviously that's a lot broader than just freezing the three  
25 Chase accounts.

1           And the reason I think this is important is the oral  
2 testimony that was just given. The declaration of the  
3 Department of Justice employee Frank Nohar indicates that  
4 Mr. Zamani received in total 591,000 from my client. He just  
5 testified there's only 35,000 left. Where did it go? Well, we  
6 don't know yet.

7           And it may be that he elects to continue doing and  
8 spending that money despite the fact that a permanent injunction  
9 is in place. But at least then we would have further cause of  
10 action later for him violating the injunction.

11           We don't know at this point where the remaining  
12 \$565,000 is. He has made oral representations to me first  
13 before the hearing that he transferred 300,000 to Iran. After  
14 the hearing when I called him out on it, he said, no, it's  
15 actually 500. I don't know where it is.

16           But I think that we need the broad language in this  
17 permanent injunction to protect us. Because it goes further  
18 that -- I think paragraph 5, he may not access any funds,  
19 accounts or assets. That power of attorney is still floating  
20 around out there. And so I think that we would much prefer to  
21 keep it in place.

22           You agreed on your original temporary restraining  
23 order that we had met our burdens and that the -- that we are  
24 likely to succeed on the merits. The burden then shifted to the  
25 defendant to show why you should not enter a preliminary

1 injunction. I don't believe the oral testimony today, when  
2 weighed against the declaration given by the Department of  
3 Justice, is sufficient to achieve that burden.

4 I would specifically address you to the declaration of  
5 Frank Nohar. And there's a lot of good stuff in here, but in  
6 particular, paragraph 22, which is on page 5, he says that, "In  
7 addition, the bank -- the documents," by that he means the bank  
8 records, "show hundreds of transactions from these three  
9 accounts during the review period that appear to be for personal  
10 expenses. These transactions included payment for domestic and  
11 international airlines, restaurants, hotels, bars, nightclubs,  
12 adult entertainment venues, department stores, jewelers, and  
13 supermarkets. Funds from these accounts were also used to  
14 purchase at least four automobiles, gasoline station purchases,  
15 and automotive maintenance."

16 He goes further in paragraph 23. I'll just read you  
17 the first sentence.

18 Actually, I'll read the entire thing into the record  
19 if that's okay.

20 THE COURT: You don't need to. It's in the record.

21 MR. RICHARDSON: Okay. But basically paragraph 23  
22 says there's no documentation that any of the money was used for  
23 charitable purposes, nor is there any information that shows any  
24 charitable functions ever happened.

25 THE COURT: I recall.



1 MR. RICHARDSON: So my point being, if we release the  
2 \$35,000, we know what's going to happen. He's going to spend  
3 it.

4 To answer your question to him, why does he need it,  
5 well, because he needs it to live on, he needs it not for  
6 charitable purposes. And I'm confident that if the temporary  
7 restraining order is lifted or if the permanent injunction is  
8 not entered, he will spend that money in posthaste.

9 THE COURT: Well, and since this money was donated to  
10 a charitable organization, it shouldn't be used, anyway, to pay  
11 for the attorney -- your attorney, Mr. Zamani.

12 MR. ZAMANIZADEH: Your Honor, according to the  
13 document that I provided, I believe that is the measure -- the  
14 investigator declaration was made biased to the point that the  
15 company didn't start in 2016, didn't end in 2017. The company  
16 started in 2007, 2012 added the nonprofit organization. I have  
17 loaned to the company, and just like any other company or  
18 nonprofits, the directors have the employment agreement.

19 If the company -- I have been putting money in the  
20 company, and if I have to take any money -- yes, there was  
21 mistaken accounting and so forth, and that has been corrected  
22 since then. We have provided all the tax -- all the banking,  
23 all the accounting correction, and everything that has been  
24 taken has been counted as the payment on a zero interest loan  
25 that I have given to the company with documentation to the

1 attorney general office.

2           However, I believe based on the biased intent of the  
3 attorney, Mr. Richardson, and the plaintiff, a specific question  
4 has been asked in this measure, he put in there what he had  
5 seen, however, he had not stated that where did the other funds  
6 come in from the beginning.

7           THE COURT: I understand.

8           Let me ask you, Mr. Richardson. I didn't bring the  
9 whole file with me right now. Could you refresh my memory as to  
10 the causes of action that are alleged in the complaint? Not the  
11 facts, just the -- basically the names or the causes of action,  
12 the descriptions.

13           MR. RICHARDSON: And, Your Honor, I apologize. I'm  
14 going to have to go off memory. I don't think I have my  
15 complaint.

16           THE COURT: Mary, do you have your computer up?

17           MR. ZAMANIZADEH: Your Honor, are you asking for the  
18 complaint, the original complaint?

19           THE COURT: Complaint. Yes.

20           MR. ZAMANIZADEH: I believe I have one.

21           THE COURT: Mary, could you borrow Mr. Zamani's  
22 complaint? I'll give it right back to you.

23           MR. ZAMANIZADEH: Original complaint.

24           MR. RICHARDSON: I think it's fraud and unjust  
25 enrichment. But without it in front of me, I hate to --

1 THE COURT: That's fine. Let me just double check.

2 Mary, you can give it back.

3 Yeah. It's fraud and unjust enrichment, which carry  
4 jury trial rights.

5 And I do think that Mr. Zamani is right when he says  
6 that there's two sides to a story and he deserves a right to be  
7 heard. And so what I think we need to do is figure out when to  
8 get you two to a trial.

9 Now, if Mr. Zamani wants to have a lawyer hired, then  
10 I'll need to set a trial after I speak with your lawyer, make  
11 sure it's an appropriate date for your lawyer. If you want to  
12 represent yourself at the trial, you have a legal right to do  
13 that. It's not a good idea for anybody.

14 MR. ZAMANIZADEH: Your Honor, I'm not an attorney and  
15 I do not intend to do that. And on top of that, there's a  
16 company involved, and I cannot represent the company.

17 And I have found attorneys. However, I have to be  
18 able to pay the retainer.

19 Mr. Calderbank, I asked for the retainer I provided.  
20 And if I may just interject this one. The complaint was filed,  
21 Your Honor, in February. I retained Mr. Calderbank and his law  
22 firm on or about just about two weeks after that. It took him  
23 eight months to file an answer.

24 Same thing with this Mr. Richardson indicated that  
25 when the TRO was filed we had two weeks, he has not done

1 anything. When we came to your original hearing here, he just  
2 had the documentation to file where we were -- we proposed to  
3 have a settlement.

4 It's not that we have deviated -- Your Honor, the fact  
5 of Mr. Richardson making this that, hey, you know, you're  
6 stealing money from my clients, the fact should be decided in  
7 court and in front of a jury.

8 THE COURT: I agree.

9 MR. ZAMANIZADEH: I have -- but tying my hands,  
10 Your Honor, not to be able to retain an attorney, not to be able  
11 to fight and basically provide all my facts to defend against  
12 the allegation that plaintiff has brought in, FBI issues and  
13 Department of Justice, basically is sandbagging this whole case  
14 by tying my hand in order to win and then say, okay, well, you  
15 know, we won it.

16 THE COURT: Well, the only hands that I'm tying are  
17 hands that would basically be trying to spend money that  
18 originate from the plaintiff or are traceable to the plaintiff.

19 If you've got money that does not originate from Ms.  
20 Torres or it's not traceable back to her, my order doesn't  
21 interfere with that at all. If you have other money coming in  
22 from your business, I'm not -- or other businesses, I'm not  
23 interfering with that.

24 But I think what -- not I think. Here's what we're  
25 going to do. I'm going to enter the preliminary injunction now,

1 but I will allow you, through your attorney, whenever you want,  
2 you may ask me to modify it, to lift it, to dissolve it. All  
3 you have to do, then, is present to me good legal arguments and  
4 a factual basis and I will consider that.

5 MR. ZAMANIZADEH: Your Honor --

6 THE COURT: One moment.

7 In addition, I don't intend to let this case drag on  
8 for a long period of time. That probably will hurt both sides.

9 So as soon as you get an attorney, have your attorney  
10 contact Mr. Richardson and my courtroom deputy -- or,  
11 Mr. Richardson, if the attorney contacts you, tell the attorney  
12 that I would like you to contact my courtroom deputy, we'll get  
13 on the telephone together and we'll set a trial date.

14 This is not that complicated of a dispute. Mr. Zamani  
15 is right. There's two sides to every story. He is entitled to  
16 his day in court. We're going to get a jury in here and we're  
17 going to resolve the dispute with a jury trial.

18 To the extent that my order does place a little bit of  
19 pressure on Mr. Zamani with respect to the funds, so be it.

20 I'm sorry, sir, but I think it's the fair result given  
21 the only thing I'm really tying you up on is funds that  
22 originate from or are traceable to Ms. Torres. Until we decide  
23 whether she's entitled to those monies or your nonprofits are,  
24 we're going to preserve them.

25 MR. ZAMANIZADEH: Your Honor, if I may ask, with all

1 respect to the Court, if I can just have my Care Option account  
2 which has nothing to do with the adult care, has a minimal  
3 amount, so it can allow me to spend for my attorney's retainer,  
4 that would be sufficient for me.

5 THE COURT: How much do you need for your attorney's  
6 retainer?

7 MR. ZAMANIZADEH: Your Honor, every attorney that I've  
8 met, they want 5,000 retainer to even discuss this. I have  
9 found an attorney and they are waiting right now to -- for me to  
10 go and give them a call and say what is -- are they able to  
11 get -- even Mr. Calderbank, when I asked him to refund the  
12 retainer, he goes he cannot do it because it's -- it might be  
13 under the TRO.

14 THE COURT: All right. Well, I will add to the TRO  
15 the following: That since your attorney has withdrawn and since  
16 that money has already been sent to him anyway, I think it's not  
17 inappropriate to say that any retainer that should be refunded  
18 may be refunded not subject to the TRO or preliminary  
19 injunction. That way you can then use that retainer for a new  
20 attorney.

21 Mr. Richardson, if you want to object to that, you  
22 may, but that's pretty much the way I'm likely to go. That  
23 money is already gone anyway.

24 MR. RICHARDSON: Your Honor, I would object to it for  
25 one good cause for you to consider.

1 I have spoken with an attorney of Mr. Zamani's from  
2 years ago not related at all to this case, and I think that  
3 attorney is owed a bunch of money as well, and he indicated that  
4 just to be careful, that Zamani is sophisticated and he knows  
5 one way to hide money is to put it into a trust account.

6 So I would just ask that there be maybe a dollar  
7 limit. You know, if there's fifty- or a hundred thousand  
8 dollars in Mr. Calderbank's account -- I don't know if that's  
9 possible, but it seems like some sort of limit to say, okay,  
10 here, you can hire your new attorney now, you should be  
11 generating your income at some point and not using my client's  
12 money to fund your defense.

13 THE COURT: Let me ask you, Mr. Zamani, how much money  
14 approximately is available from your attorney if I were to allow  
15 your attorney to return it to you?

16 MR. ZAMANIZADEH: Your Honor, it's \$5,000 retainer,  
17 and I would appreciate if your court -- Your Honor issue an  
18 order to Mr. Calderbank to return that money to me since he  
19 hasn't really done anything for me.

20 THE COURT: I don't think I have jurisdiction over  
21 Mr. Calderbank on that.

22 But I will say that as part of my preliminary  
23 injunction order, that Mr. Calderbank, if he holds a retainer,  
24 that retainer may be returned to the defendant without being  
25 subject to the preliminary injunction up to a limit of \$5,000.

1 And since you tell me that's what he has, that should be enough.

2 All right. And as I said, once you get a new  
3 attorney, if you want me to -- if your attorney and you want me  
4 to reconsider any portion of this preliminary injunction, you  
5 have leave to ask and I will consider it on the merits.

6 More importantly, though, if you want to get to a  
7 trial sooner rather than later, have you and your attorney  
8 contact my courtroom deputy and we'll get you a trial date.

9 If you decide you want to do this representing  
10 yourself, speak with Mr. Richardson, let my courtroom deputy  
11 know, and we'll get you a trial date and you can represent  
12 yourself.

13 MR. ZAMANIZADEH: If I may ask.

14 THE COURT: You may.

15 MR. ZAMANIZADEH: Your Honor, is it possible to have  
16 Adult Care -- a search -- Adult Care Search -- Care Option, the  
17 account which has \$5,000, to be accessible for the attorney's  
18 retainer in case Mr. Calderbank tries to hold off and tries  
19 to -- which I asked repeatedly in e-mails that I need that and  
20 he keeps telling me that, you know, he wants to do an accounting  
21 and so forth and so -- I have all the e-mails, Your Honor, here.

22 THE COURT: I don't want to take any current money  
23 that is frozen on these accounts and unfreeze them, at least not  
24 without hearing from your attorney. I think that if your  
25 attorney is willing to give you back the retainer, if his only



1 concern is that it may be subject to this preliminary  
2 injunction, we'll make it clear that it is not. If he's not  
3 willing to give you back your retainer, call the Oregon State  
4 Bar. They may be able to be of assistance to you.

5 But I'm not going to release -- unfreeze any of the  
6 money that's currently in these accounts at this time.

7 MR. ZAMANIZADEH: Am I correct to understand,  
8 Your Honor, that any income of the company that has come in that  
9 is not related or traceable back to Mr. -- to plaintiff is not  
10 subject to the TRO?

11 THE COURT: Well, I would say any new income that you  
12 earn that is not originating from or traceable to the plaintiff  
13 is not subject to the TRO provided that they don't come in to  
14 the 6923 account, the 2074 account, or the 3236 account. Those  
15 are frozen.

16 So if you're going to be getting new money in, which  
17 will obviously not be coming from the plaintiff, they should  
18 come into a different account.

19 MR. ZAMANIZADEH: Okay.

20 THE COURT: All right. Do let me know as soon as you  
21 get an attorney.

22 MR. ZAMANIZADEH: Yes.

23 THE COURT: Do let me know as soon as you want to  
24 schedule a trial -- I don't think this will be a particularly  
25 long trial -- and I will do my best to get it timely scheduled

1 so as to not cause further delay or undue expense to either  
2 side.

3 MR. ZAMANIZADEH: Thank you very much, Your Honor.

4 THE COURT: Thank you, all.

5 MR. RICHARDSON: Thank you.

6 MR. ZAMANIZADEH: Appreciate it. Thank you.

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8 (The proceedings concluded at 3:47 p.m.)

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## C E R T I F I C A T E

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the proceedings in the above-titled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

DATED this 20th day of February, 2018.

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RYAN WHITE  
Registered Merit Reporter  
Certified Realtime Reporter  
Expires 9/30/2019  
Washington CCR No. 3220  
Expires 10/25/2018  
Oregon CSR No. 10-0419  
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